

AMENDED IN SENATE JUNE 23, 2008

AMENDED IN ASSEMBLY APRIL 23, 2008

AMENDED IN ASSEMBLY APRIL 8, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2849

**Introduced by Assembly Member Evans
(Coauthor: Assembly Member Solorio)**

February 22, 2008

An act to add ~~Sections 29312 and 29313~~ *Section 29312* to the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 2849, as amended, Evans. Bees.

Existing law, the Apiary Protection Act, generally regulates bee management and beekeepers and provides various enforcement and penalty provisions for violating the act.

~~This bill would provide that any person who is not the owner or does not have the right of possession of a beehive and removes, takes, or steals, or is found removing, taking, or stealing a beehive from the property upon which the beehive is located, where the value of the beehive is in excess of \$100, is guilty of grand theft. By creating a new crime, this bill would impose a state-mandated local program.~~

This bill would provide for the damages that are recoverable by a plaintiff in a civil action for the wrongful taking, possessing, harboring, or transporting of a beehive, for the wrongful removal of bees from their beehive, or for the wrongful killing or destroying of bees.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.

State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) California has the largest beekeeping industry of any state
4 in the United States. Nearly 500,000 colonies of bees are operated
5 by 400 commercial and semicommercial beekeepers.

6 (2) Commercial beekeepers move their hives at least six times
7 each year to pollinate crops or to place them near natural food
8 sources for bees. Most of the hives of bees in California are rented
9 one or more times a year for pollination of agricultural crops.

10 (3) Nearly three-fourths of the country's documented
11 commercial honeybee crop pollination is conducted in California.

12 (4) Drastic reductions in populations of native insect pollinators
13 have created a great need for honeybee pollination to ensure
14 reseeding and perpetuation of wild plants. These plants serve as
15 sources of fruits, nuts, and vegetation for consumption by various
16 birds and mammals.

17 (5) California is a national leader in the production of honey,
18 with total yields averaging 20,000,000 pounds each year. An
19 average of 400,000 pounds of beeswax is produced as well.

20 (6) In recent months, there has been a significant reduction in
21 honeybee population due to Colony Collapse Disorder and other
22 problems such as poor nutrition due to lack of available "bee
23 pasture," that is, ~~pollen and nectar producing~~ *pollen- and*
24 *nectar-producing* flowers. This has created a serious threat to our
25 food supply, and this crisis threatens to wipe out production of
26 crops dependent on bees for pollination.

27 (b) It is therefore the intent of the Legislature to create ~~additional~~
28 ~~specific civil and criminal penalties for unlawfully remedies for~~
29 ~~wrongfully~~ taking, possessing, harboring, transporting, destroying,
30 or vandalizing bees.

1 ~~SEC. 2. Section 29312 is added to the Food and Agricultural~~
2 ~~Code, to read:~~

3 ~~29312. Any person who is not the owner or does not have the~~
4 ~~right of possession of a beehive and removes, takes, or steals, or~~
5 ~~is found removing, taking, or stealing a beehive from the property~~
6 ~~upon which the beehive is located, where the value of the beehive~~
7 ~~is in excess of one hundred dollars (\$100), is guilty of grand theft.~~

8 ~~SEC. 3.~~

9 ~~SEC. 2. Section 29313~~29312 is added to the Food and
10 ~~Agricultural Code, to read:~~

11 ~~29313.~~

12 ~~29312. Notwithstanding any other provision of law, in any~~
13 ~~civil action for the wrongful taking, possessing, harboring, or~~
14 ~~transporting of a beehive, for the wrongful removal of bees from~~
15 ~~their beehive, or for the wrongful killing or destroying of bees~~
16 ~~without the consent of the owner or the person lawfully in~~
17 ~~possession of those bees, the damage caused to the plaintiff shall~~
18 ~~be five times the value of the bees at the time of the taking,~~
19 ~~possessing, harboring, transporting, destroying, or vandalizing the~~
20 ~~bees, with interest from that time, plus an amount in fair~~
21 ~~compensation for the time and money properly expended by the~~
22 ~~plaintiff in recovering or replacing the bees.~~

23 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
24 ~~Section 6 of Article XIII B of the California Constitution because~~
25 ~~the only costs that may be incurred by a local agency or school~~
26 ~~district will be incurred because this act creates a new crime or~~
27 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
28 ~~for a crime or infraction, within the meaning of Section 17556 of~~
29 ~~the Government Code, or changes the definition of a crime within~~
30 ~~the meaning of Section 6 of Article XIII B of the California~~
31 ~~Constitution.~~